

SPECIAL MESSAGE ON BEEF PACKERS.

President Declares Result of Recent Trial in Chicago a Mis-carriage of Justice.

SEVERE ON JUDGE HUMPHREY.

His Interpretation of the Law Makes Abortive Will of Congress.

Can Hardly Believe That His Ruling in This Particular Case Will be Followed by Other Judges.

Washington, April 18.—In a special message delivered to the Congress today, President Roosevelt declares the result of the recent trial of the "beef packers" in Chicago was a "mis-carriage of justice" and that the interpretation placed by Judge Humphrey on the will of Congress "is such as to make that will absolutely abortive."

The message, which is of a most sensational character, is based largely on a letter to the president from Atty.-Gen. Moody, in which the attorney-general reviews the proceedings of the case of the government against the beef packers. The president says it is clear that no criticism attaches to Commissioner Garfield, as what he did was in pursuance of a duty imposed on him by Congress. He refers sharply, however, to the decision of Judge Humphrey, saying that Congress could not have foreseen such a decision and that he could hardly believe that the rulings of Judge Humphrey will be followed by other judges.

He declared that such interpretation of the law as that placed on it by Judge Humphrey "comes measurably near making the law a farce," and he recommends that Congress pass a declaratory act stating its real intention. The president also requests Congress to confer upon the government, by statute, the same right of appeal in criminal cases, which the defendant now enjoys, where the merits of the cases have not been determined.

TEXT OF MESSAGE.

The full text of the message follows: "To the Senate and House of Representatives:—I submit herewith a letter of the attorney-general, enclosing a statement of the proceedings of the United States against the individuals and corporations commonly known as the 'Beef Packers,' and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice, but it clearly appears from the letter of the attorney-general that no criticism whatever attaches to Commissioner Garfield; what he did was in strict accordance with the law and in pursuance of a duty imposed on him by Congress, which could not be avoided and, of course, Congress in passing the Marlin resolution could not possibly have foreseen the decision of Judge Humphrey."

CONGRESS WILL ANNULL.

"But this interpretation by Judge Humphrey of the will of the Congress as expressed in legislation is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the government has the right of appeal from this decision of the district judge. The case well demonstrates the desirability of conferring upon the government the same right of appeal in criminal cases, on questions of law, which the defendant now has, in all cases where the defendant has not been put in jeopardy by a trial upon merits of the charge made against him. The laws of the United States and the law of the District of Columbia, recently enacted by the Congress, give the government the right of appeal. A general law of the character indicated should certainly be enacted."

OPINION OF RULING.

"It can hardly be believed that the ruling of Judge Humphrey will be followed by other judges, but if it should, it followed the result would be either completely to nullify very much and possibly the major part of the good to be obtained from the interstate commerce law, laid from the law creating the bureau of commerce and labor, or else frequently to obstruct an appeal to the criminal law by the department of justice. There seems to be no good reason why the department of justice, the department of commerce and labor and the interstate commerce commission each should not for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary under the Constitution and the laws that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons who, being subpoenaed, had given testimony or produced evidence, as witnesses, relating to any offense with which they were charged, and that the immunity was not to be extended to persons who give testimony or produce evidence as witnesses in any case where the immunity is conferred by law. It is, of course, necessary under the Constitution and the laws that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons who, being subpoenaed, had given testimony or produced evidence, as witnesses, relating to any offense with which they were charged, and that the immunity was not to be extended to persons who give testimony or produce evidence as witnesses in any case where the immunity is conferred by law."

PRESENT DANGER OF APPEAL.

"In offenses of this kind, it is at the best hard enough to expect to visit justice upon offenders. Every system of criminal jurisprudence has descended to us from a period when the danger was less the accused should not have his rights adequately preserved, and is admirably framed to meet this danger."

This Day In History.

APRIL 18th

1721—William Williams, "signer" for Connecticut, soldier, etc., born in Lebanon, Conn.; died there 1811.

1778—Paul Revere's famous ride out of Boston to arouse the patriots. Revere was an active, public spirited citizen and had served in the British colonial forces against the patriots. During the Revolution he served the cause as a soldier and also with his mechanical talents. Two of his grandsons served in the Civil war, and one was killed at Gettysburg.

1817—George Henry Lewes, noted English writer on philosophy, born in London; died 1895.

1873—Baron Justus Liebig, the great chemist, died at Munich; born 1803.

1896—Lieut.-Gen. Carrea, Spanish minister of war in 1904, died at Madrid. Fought at Samoa between Americans and English and the Matanans.

DON'T LET THIS DAY IN

YOUR HISTORY

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But at present the danger is just the reverse; that is, the danger now days is, not that innocent men will be convicted of crime, but that the guilty man will go scot free. This is especially the case where the crime is one of greed and cunning, perpetrated by a man of wealth in the course of those business operations where the code of conduct is at variance, not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but less effective to proceed against a corporation than to proceed against the individual in that corporation who are themselves responsible for the wrong doing.

"Very naturally, outside persons who have no knowledge of the facts and no responsibility for the success of the proceedings, are apt to clamor for action against the individuals."

GUILT SEEMED CERTAIN.

"The department of justice has most wisely invariably refused to proceed against individuals unless it was convinced both that they were in fact guilty, and that there was at least a reasonable probability of establishing this fact of their guilt. The beef packers cases offered one of the very few instances where there was not only the moral certainty that the men were guilty, but that seemed, and now seems, sufficient legal evidence of the fact."

"But in obedience to the explicit order of the court, the commissioner of corporations had investigated the beef packers business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the attorney-general:—

"Mr. Moody:—I disclaim almost with a word the claim that Mr. Garfield promised immunity. Whether this is only evidence or such a promise or not, I do not know, as I do not care."

"Mr. Miller (the counsel for the beef packers):—There is no claim of it."

"Mr. Moody:—Then I was mistaken and will not even say that word."

ALMOST A FARCE.

"But Judge Humphrey holds that if the commissioner of corporations (and the commissioner did) did in the course of any investigation prescribed by Congress, ask any questions of a person not called as a witness, or ask any questions of a corporation not called as a witness, with regard to the action of the corporation on a subject out of which prosecution may arise, then the fact of such questioning has been asked of him as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measurably near making the law a farce, and therefore recommends that the Congress pass a declaratory act stating its real intention."

THEODORE ROOSEVELT.

The White House, April 17, 1906.

TAFT SAYS TYPE OF CANAL

MUST BE DECIDED AT ONCE

Washington, April 18.—Secy. Taft today told the senate committee on inter-oceanic canals that the question of the type of canal must be determined at once, or Chief Engineer Stevens will be placed in a position where he will be compelled to suspend work. He did not attempt to discuss the engineering or technical questions, but said that he already is committed to the lock type, as recommended by the minority of the board of consulting engineers and would adhere to his first opinion. He said that if Congress does not settle the question, the president will not hesitate to adopt the minority plan.

INJUNCTION ISSUED

RESTRAINING VOLIVA.

Rockford, Ill., April 18.—Following the filing of a bill to set aside the conveyance of property in Zion City valued at \$23,000,000, Judge Wright, of the circuit court, today granted an injunction restraining Wilbur C. Voliva and others from interfering with or in any way preventing John Alexander Dowie from going to Zion City and remaining there or entering his house or his barn at will. The injunction also gives Dowie the right to hold religious services in the Tabernacle on alternate days and his opponents are enjoined from doing anything to affect title to property described in bill of complaint. The bill was filed by Atty. Hales of Joliet. The hearing is set for April 25, before Judge Wright in Belvidere.

JESUIT GENERAL DEAD.

Rome, April 18.—Father Louis Martin, general of Jesuits known as "The Black Pope," died today. He had been suffering from a cancer of the chest.

\$200,000,000 BOND.

Southern Railway Stockholders Authorize Huge Issue of 4 Per Cent.

Richmond, Va., April 18.—Stockholders of the Southern Railway in special session here today voted an issue of \$200,000,000 40 year 4 per cent bonds. The stockholders adopted resolutions approving the scheme devised by the directors for the general improvement of the different lines of the Southern system. This bond issue is a part of the scheme for extending and strengthening the system.

AMERICAN TRADE IN THE FAR EAST

Congressman Donald McKinlay Takes a Gloomy View of Its Prospects.

VISITED JAPANESE PITTSBURG

He Told Him Not to be Afraid of Japanese Laborers as All Are Wanted at Home.

New York, April 18.—Congressman Donald E. McKinlay of California, who was a member of Secy. Taft's party on its trip to the far east, was the guest of honor and principal speaker at the dinner of the New York Credit Men's association last night. Congressman McKinlay spoke of industrial and commercial conditions in Japan as they are going to affect the markets in the far east. He warned his hearers against the "illusion that Japan is going to be our commercial ally in the far east, or anywhere else," and according to today's Times, said:

"We hear a whole lot these days about the United States dominating the markets of Japan and the far east, but any hopes we hold in that respect are destined to be rudely shattered. The 50,000,000 of people who live on the shores and the islands of the Pacific before long will not only not be consumers of American goods, but will be our competitors, perhaps in our own home markets."

A JAPANESE PITTSBURG.

"While in Japan I visited Osaka, which is the Pittsburgh of the mikado's empire. It has at present some 200,000 inhabitants, but a modern factory is springing up on every corner in that city, and before long it will be the home of half a million industrious Japanese."

"Marquis Ito, who was the guide of Secy. Taft's party in the Japanese Pittsburg said to me: 'You need not be afraid that we will allow Japanese laborers to come to the United States. We need them all at home. In a couple of months we will bring home a million men from Manchuria. We are going to teach them all how to manufacture everything in the world with the best labor-saving machinery to be found. Instead of sending you cheap labor, we will sell you American goods cheaper than you can manufacture them yourselves.'

PEOPLE WAKING UP.

"More than half the population of the world lives on the Pacific. Up to recently they have been living in the far east in sloth and indifference. They are waking up now. The boycott of American goods in China, the refusal of the Chinese to trade with us, the fact that they actually may become our commercial markets."

"It is only six months since Marquis Ito told me this. Three weeks ago I picked up a California paper and read that a whole ship's load of Japanese goods had come into the port of San Francisco. I am afraid that the people of the far east will become not only our commercial competitors, but that they actually may become our commercial markets."

CONGRESSMAN MCKINLAY SEVERELY

condemned the lethargy of Americans in their fight for the markets in the far east.

"In Shanghai," Congressman McKinlay continued, "we found that the German consul had 35 business agents on his list. The British consul had 40 and the Japanese 160. We had to get a search warrant, and the chief of police, to find the consulate of the United States, which was on a dirty side street, with a consul who said he was hardly getting money enough from the American government to pay for a young man to do his typewriting."

PHILIPPINES OUR HOPE.

Mr. McKinlay said that our only hope for eastern markets was bound up with the Philippines. He said we ought to keep them and establish in Manila a great emporium for American goods for the filling of quick orders. He thought it would be to pay for the next 15 years, must take \$100,000,000 of American goods annually.

SECURES SCHOLARSHIP.

Fred M. Hill Will Have Place in Oread Institute.

Word has been received by Dr. F. J. Hill, the well known druggist of this city, of the appointment of his son Fred M. Hill to a scholarship in the Oread Institute, 18 miles from Britt, more, Mo. The Institute has manufacturing, agricultural and industrial departments and a tract of 5,000 acres attached to it. The Institute opens May 1, and 100 scholarships were divided among the different states, two falling to Utah. It is one of these that Mr. Hill has been given on the recommendation of State Superintendent Nelson of this city.

AMUSEMENTS.

Theater.—The magnificent rendition of "Sweet Nell of Old Drury" by Miss Nellie Stewart and Misses' players, drew a good house on its second performance last evening. The renditions will be given this afternoon and evening, and ought to go to packed houses, for nothing so generally excellent as this company's work has been seen in Salt Lake for many a day past.

The sale for "A Message From Mars," the next attraction at the Theater, is now going on at the boxoffice.

Orpheum.—Another big house witnessed the presentation of Mrs. Leavitt's playlet, "Mrs. S. Holmes Detective," at the Orpheum last night. The sketch went more smoothly than on the initial presentation, and the actors did not exhibit the same amount of nervousness.

Grand.—Zaza.—Miss Harper and her company continues to draw good business at the Grand, and the matinee performances will be specially crowded.

WARD ENTERTAINMENTS

Sixteenth Ward.—The regular Friday evening dance will be given in the Sixteenth ward new Social Hall April 20 under the auspices of the Y. M. C. A.

Twenty-second Ward.—"The Enchanted Wood," an operetta presented by the children of the Religion class of the Twenty-second ward, will be staged in the amusement hall this evening and tomorrow night under the direction of Mrs. Minnie Kingdom. Considerable pains have been taken over production and a good evening's entertainment is promised. On Saturday afternoon and evening "The Enchanted Wood" will be given in the Sixteenth ward hall and the receipts will be turned over to the Salt Lake stake.

I. N. FULTON APPOINTED.

Will Act as Traveling Freight Agent For the Illinois Central.

Contracting Agent Foley of the Illinois Central this morning announced that he had secured the services of I. N. Fulton for the Illinois Central during the wool season in this territory. Mr. Fulton is well known here and for some time was traveling freight agent for the Oregon Short Line, but left here to go to Seattle, where he acted in a similar capacity for the Mutual Steamship company.

REPAIR SHOPS FINISHED.

New Building of O. S. L. at Pocatello Ready to Turn Over.

(Special to the "News.") Pocatello, Ida., April 18.—The new building of the Oregon Short Line freight car repair shops was completed today and will soon be turned over to Chief Engineer Ashton for the Oregon Short Line.

The old roundhouse is to be razed and the steel cars now there for repairs will be the first to be moved over the new plant.

WORLD THE TERMINUS.

Automobile Line to Run to Thermopolis From C. B. & Q. Depot.

(Special to the "News.") Worland, Wyo., April 18.—World will be the terminus, during the present year at least, of the Burlington's Frannie-Thermopolis line, and in order that passengers, freight and express matter en route from the Pacific coast to the Wind River country, the line opening in August may be transited quickly, an automobile line will be put on between this place and Thermopolis. The distance is 35 miles, and a good road will be constructed all the way. The round trip will be made in about five hours.

LATE LOCALS.

Court Officer Named.—Haj. Hirst has been appointed summary court officer at Fort Douglas.

New Marching Shoes.—The troops at Fort Duchesne will receive this week a supply of new marching shoes from Jeffersonville, Ind.

Business Session.—The Elks will hold a business session tonight, instead of initiation ceremonies which have been postponed until next week.

Family Meeting.—There will be a meeting of the Young Family association, including all of Father John Young's descendants, next Friday evening, April 20, at 8 o'clock, p.m., in room 56 of the Lion House. A full attendance is requested. B. M. Young, president; Dora Y. Hogan, secretary.

Reservoir Project.—W. J. Lynch, W. H. Thain, W. D. Candland and H. N. Hayes, members of the state board of land commissioners, went to Garfield county yesterday to investigate the Hatchtown reservoir project. The old reservoir at that place was washed out and the residents are now asking the state to help to help rebuild it. Action will be taken on the matter as soon as the commissioners return.

PERSONALS.

J. C. Leary is at Garland after a lot of sheep.

General Manager D. S. Murray of the Bell Telephone company is at Boise, Ida., on business.

Asst. Instructor Donald Beauregard of the art department of the University of Utah will leave for France next September to study art for the next two years.

Manager Langford of Saltair bought a locomotive while in Chicago for use on the Saltair road this season, and it will be here later in the month. It is of the same capacity as the two now in use.

NEW YORK CLOSING STOCKS.

Wednesday, April 18.	
Atchafalpa	91 1/2
Baltimore & Ohio	112 1/2
Chicago & Alton	112 1/2
Chicago & North Western	75 1/2
Colorado Southern	23 1/2
Denver & Rio Grande	43 1/2
Denver & Rio Grande	43 1/2
Elgin	44 1/2
Illinois Central	127 1/2
Louisville & Nashville	149 1/2
Missouri Pacific	113 1/2
Metropolitan St. Ry.	113 1/2
Mexican Central	24 1/2
New York Central	141 1/2
Pennsylvania	141 1/2
Rock Island	134 1/2
Salt Lake City	63 1/2
Southern Pacific	175 1/2
Southern Railway	175 1/2
Union Pacific	134 1/2
Pacific Coast	113 1/2
Wabash	21 1/2
Wisconsin Central	26 1/2
Northern Pacific	20 1/2

MISCELLANEOUS.

Amalgamated Copper	111 1/2
American Car & Foundry	63 1/2
American Locomotive	63 1/2
American Smelting & Refining	115 1/2
Am. Steel & Refining	115 1/2
Brooklyn Rapid Transit	89 1/2
Colorado Fuel & Iron	89 1/2
International Paper	23 1/2
National Biscuit	62 1/2
National Lead	62 1/2
People's Gas	27 1/2
Pressed Steel Car	25 1/2
Pullman Palace Car	134 1/2
Standard Oil	48 1/2
Sugar	134 1/2
Tennessee Coal & Iron	143 1/2
United States Steel	168 1/2
Western Union	92 1/2
Mackay	92 1/2

WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 4 a. m., today:

Barometer reading at 4 a. m., 29.99 inches; temperature at 4 a. m., 45; maximum, 51; minimum, 39; mean, 45, which is 10 degrees above normal.

Precipitation for the 24 hours ending at 4 a. m., .25 inch.

Precipitation since the first of the month, 1.51 inch, which is .39 inch above the normal.

Excess in precipitation since Jan. 1, 1.51 inch.

Humidity, 58 per cent.

FORECAST TILL 6 P. M. THURSDAY.

Local forecast for Salt Lake City and vicinity.

Generally fair tonight and Thursday.

R. J. HYATT, Local Forecaster.

TODAY'S TEMPERATURE.

4 a. m.	45
7 a. m.	44
8 a. m.	45
9 a. m.	46
10 a. m.	47
11 a. m.	48
12 m.	49
1 p. m.	50
2 p. m.	51
3 p. m.	52
4 p. m.	53

YESTERDAY'S RECORD.

Highest	57
Lowest	39

TOMB OF A PATRIOT.

The ancient and humble gravestone shown in the cut marks the final resting place of William Hurry, the man who rang the Liberty bell when it announced the signing of the Declaration of Independence. For many years the

